

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

REDOAK HOSPITAL, LLC,

*Plaintiff,*

§

§

§

V.

§ CIVIL ACTION NO. 4:16-CV-01542

§

§

AT&T SERVICES, INC., et al,

*Defendants.*

§

§

**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE**

Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Plaintiff hereby voluntarily dismisses its suit with prejudice.<sup>1</sup>

Respectfully submitted,

/s/ Howard L. Steele, Jr.

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<sup>1</sup> At this time, Defendants have not filed an answer or motion for summary judgment. Although Defendants have filed motions to dismiss, such motions are insufficient to prevent a voluntary dismissal under Rule 41(a)(1)(A)(i). See *In re Amerijet Intern., Inc.*, 785 F.3d 967, 973 (5th Cir. 2015), as revised (May 15, 2015) (“Rule 41(a)(1)(A)(i) ‘means precisely what it says’ by stating that **only the filing of an answer or motion for summary judgment terminates the plaintiff’s unilateral right to dismiss the action by notice.**”) (emphasis added) (citation omitted); see also *Exxon Corp. v. Maryland Cas. Co.*, 599 F.2d 659, 661 (5th Cir. 1979) (explaining that a Plaintiff’s “right [to voluntarily dismiss pursuant to Rule 41(a)(1)(A)(i)] is not cut off by a motion to dismiss”) (citation omitted).

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of this Notice of Voluntary Dismissal was delivered to all counsel in this matter listed below via the United States District Court, Southern Division of Texas, Houston Division, ECF system.

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